

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:19-CV-142-BR

AMERICAN GENERAL LIFE INSURANCE )  
COMPANY, )

Plaintiff, )

v. )

ORDER

KATHRYN MIDYETTE RUIZ, )  
DONALD E. PONTIFF, RONALD A. )  
PONTIFF, PHILLIP MARK PARROTT, )  
BARRY S. MILLS, JOSEPH L. VARGA )  
AND JOHN R. HULTIN, )

Defendants. )

This matter is before the court on defendant Kathryn Midyette Ruiz’s amended motion for distribution of funds. (DE # 37.) The applicable interpleader funds, proceeds from American General Life Insurance Policy No. YH00876931 (“Proceeds”), were deposited with the Clerk on 6 May 2020. Plaintiff was dismissed on 26 May 2020. (DE # 26.) Ruiz represents that the remaining seven defendants—herself, Donald E. Pontiff, Ronald A. Pontiff, Phillip Mark Parrott, Barry S. Mills, Joseph L. Varga, and John R. Hultin—all claimants to the Proceeds, have reached a settlement in this matter. (DE # 37, at 1–2.) The terms of the settlement are set forth in the voluntary settlement agreement, executed by each of the seven defendants and filed herewith. (DE # 37-1.) The defendants agree that the settlement agreement fully resolves this matter and consent to the division of Proceeds in accordance with its terms. (DE # 37-1, at 3.)

Accordingly, Ruiz’s motion for distribution of funds, (DE # 37), is GRANTED. The Clerk is DIRECTED to disburse the interpleaded funds, together with any applicable interest, less any registry fee, to the seven individual defendants in the following pro-rata percentages:

- |    |                              |       |
|----|------------------------------|-------|
| a. | John R. Hultin, Pro Se       | 6.25% |
| b. | Barry S. Mills, Pro Se       | 6.25% |
| c. | Joseph L. Varga, Pro Se      | 6.25% |
| d. | Donald E. Pontiff, Pro Se    | 6.25% |
| e. | Ronald A. Pontiff, Pro Se    | 6.25% |
| f. | Phillip Mark Parrott, Pro Se | 6.25% |
| g. | Kathryn Midyette Ruiz        | 62.5% |

The funds shall be distributed to the addresses on file for each of the six *pro se* defendants. The funds payable to Ruiz shall be distributed to her attorney of record for her benefit. This case is DISMISSED WITH PREJUDICE. Each defendant shall bear their own costs in this matter.

This 12 November 2020.



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W. Earl Britt  
Senior U.S. District Judge